

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. CR 07-615 WJ

TOBY MARTINEZ and
SANDRA MARTINEZ,

Defendants.

MEMORANDUM OPINION AND ORDER GRANTING IN PART AND
DENYING IN PART MOTION FOR RELEASE OF PROPERTY AND ORDERING
FURTHER SUBMISSIONS REGARDING REQUEST FOR JONES HEARING

THIS MATTER comes before the Court upon a Joint Motion for Release of Property filed by Toby Martinez and Sandra Martinez on October 12, 2007 (**Doc. 94**), following oral argument. Having considered the parties' briefs and the applicable law, I find that Defendants' motion is well-taken in part and not well-taken in part with regard to the validity of the restraining orders. The Court defers ruling on whether Defendants are entitled to a Jones hearing to challenge those orders.

BACKGROUND

The Government's First Superceding Indictment, filed on August 23, 2007 (Doc. 49) charges Mr. Toby Martinez with conspiracy to commit mail fraud and money laundering under 18 U.S.C. § 1341 and 18 U.S.C. § 1956(a)(1), and the substantive crime of mail fraud. Ms. Sandra Martinez was charged with the same conspiracy, and with the substantive crime of money